

GEORGIA M. PESTANA  
*Corporation Counsel*

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**USDC SDNY**  
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January 4, 2022

**VIA ECF**

Hon. Stewart D. Aaron  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Request GRANTED. The parties shall submit a joint status letter no later than January 28, 2022.

SO ORDERED.

Dated: January 4, 2022

*Att cl an*

Re: *P.B. v. N.Y.C. Dep't of Educ.*, 21-cv-4612 (JMF)(SDA)

Dear Magistrate Aaron:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorney's fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. ("IDEA"), as well as for this action.

I write to respectfully request that the telephone conference scheduled for January 6, 2022 be adjourned *sine die*. I have asked for Plaintiff's consent, but have not received a response. This is the first request for an adjournment of the conference. The reason for this request is so that the parties may continue to work toward settlement independently and without burdening the Court's calendar.

Defendant made an initial settlement offer on December 1, 2021, a further settlement offer on December 7, 2021, and followed up on December 28, 2021, but has not received a counter. Plaintiff has agreed to present a counter demand by January 13, 2022.

In the event that the parties are unable to settle this matter, the parties request that a joint status letter be due no later than January 28, 2021, either informing the Court that the case has been fully resolved, or proposing a briefing schedule in lieu of attending the telephone conference. The parties are hopeful that this matter can be settled without further burden on the Court's time, and note that Defendant and the Roller Firm have successfully resolved many

dozens of similar IDEA fees-only actions without the need for motion practice, or most often, even a response to the complaint. We see no reason why this case will not take that same course.

Thank you for considering these requests.

Respectfully submitted,

/s/

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Martha Nimmer, Esq.  
Special Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)